

REMARKS

1. Status of the Claims

Claims 1-52 are currently pending and under examination. However, Claims 21, 24-25, 33, 43 and 50 are not currently under any rejections or objects set forth by the Examiner. Accordingly, Applicant respectfully requests that Claims 21, 24-25, 33, 43 and 50 move to allowance upon the next office action.

2. Rejection of Claims 1-20, 22-23, 26-32, 34-42, 44-49 and 51-52 under 35 U.S.C. 103(a)

Claims 1-20, 22-23, 26-32, 34-42, 44-49 and 51-52 under 35 U.S.C. 103(a) as obvious in view of Mackey et al., for the reasons of record.

Applicant respectfully traverses the Examiner's rejection. Mackey et al. discloses a system that relies upon a trigger system, such as an accident to activate the system, which then transmits the vehicle data to a data storage facility. The present invention is directed to a device that may be applied to more than just accident situations, that is, the system is designed to allow system users to transmit download instructions to the device to activate a download from the vehicle or stationary site at any time, thus allowing the system to monitor the status of the vehicle even when it is not moving.

However, in order to clarify and expedite allowance of claims, Claim 1 has been amended to recite a system comprising an interface that includes a download trigger for initiating downloading of information from the recording system and Claim 36 has been amended to specify a method in which the downloading device is activated remotely.

Mackey et al. neither teaches nor suggests such a system and therefore does not meet the burden required being the basis of a proper rejection under 35 U.S.C. 103(a) because it does not describe each and every element of the presently claimed invention.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejection of Claims 1-20, 22-23, 26-32, 34-42, 44-49 and 51-52 under 35 U.S.C. 103(a)

In view of the foregoing amendments, Applicant respectfully contends that all claims are in a condition for allowance. In the event the Examiner has any questions regarding the Applicant's position, a telephone call to the undersigned representative is requested.

A credit card payment form authorizing the charge of \$510 for a three-month extension of is attached herewith. It is believed that no additional fee is currently due. In the event that an additional fee is deemed necessary or overpayment due in connection with this response, the undersigned authorizes the charge to be applied to Deposit Account No. 50-2679.

Respectfully Submitted,

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Date

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